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REMARKS

Claims 1-15, and 17-19 remain in the application.

§112 Rejection

Claims 17 and 18 were rejected under §112 for indefiniteness. Applicant notes that claim 18 does not have the same language quoted with respect to claim 17, and does not depend from claim 17. Therefore, it is believed that the inclusion of claim 18 in this rejection is in error, and is thus traversed.

With respect to claim 17, the action seeks an explanation of how it is possible to establish a dimmed level, and also to cease illumination in response to a cessation of force. The answer is that the light is operated at the selected dimmed level when force is applied, and that the operation of the light ceases when the force ceases. In the preferred embodiment, there is no illumination when no force is applied, illumination at a dimmed level (selected by the first control) when a limited force is applied, and illumination at a maximum level when greater force is applied.

§102 Rejections

Claims 1-3 were rejected under §102 as anticipated by Ko.

Claim 1 has been amended to recite and clarify that the two independent paths each extend from the first end to the second end of the flashlight (not necessarily to the extreme mechanical inns of the housing, but between electrical components at one end of the battery stack to electrical components at the opposite end of the battery stack.) This should avoid the unintentionally broad interpretation that would consider a path to be between the first and second ends if it merely occupied any location between the ends of the flashlight, no matter how short, or how remote from either or both of the ends. Accordingly, claim 1 should be allowable.

The rejection of claim 1 is in error in the assertion that the rear end switch 14 provides an input to the controller, to which the controller is responsive to deliver power to the lamp. In fact, the Ko switch 14, is an input that merely invokes a flashing signal mode or regulates intensity in an already illuminated lamp, and does not generate a response of power delivery. Applicant disagrees with the latest contention that regulation of intensity, as done by Ko switch 14,

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discloses the control of delivery of power. One determines how power is delivered, the other determines whether power is delivered. However, in view of the above clarifying amendment, this question is moot.

Accordingly, claim 1 and its dependents should be allowable over the cited reference.

Claim 2 should be allowable for the additional reason that action does not specify which switch is being asserted. The latest Office action continues to omit any basis for the rejection, by failing to specify which switch is being asserted. This failure of support was pointed out in applicant's prior responses, and has not been addressed.

Claim 11 was rejected under §102 as unpatentable over McDermott. The rejection is traversed for the reason noted above with respect to claim 1, in that the cited rheostat is not a controller. Claim 11 has been amended to clarify that the controller operates in response to an electrical signal from the switch, to clearly distinguish from the rheostat, which functions based on the mechanical position of a contact.

Claim 11 has been amended to clarify that the first and second degrees of force are applied in a common direction, thus distinguishing from McDermott, which allegedly provides momentary illumination by pressing a switch in one direction, and sustained illumination by pressing in the opposite direction.

Accordingly, claim 11 and its dependents should be allowable over the cited reference.

Claims 12 and 13 should be allowable for the additional reason that the action provides no support for the rejection, failing to cite any particular aspect of the cited reference that is alleged to disclose the claimed elements and features. This failure of support was pointed out in applicant's prior responses, and has not been addressed.

Claim 14 was rejected under §102 as anticipated by Nilssen. Claim 14 has been amended to clarify that the illumination of the lamp provided by the controller is responsive to application of the force during the duration of such force, which distinguishes from the Nilssen switch, which provides sustained illumination based on the location of the switch, and does not require sustained force.

Accordingly, claim 14 and its dependents should be allowable.

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Claims 1 and 4-7 were rejected under 35 USC §102(e) as unpatentable over Chapman. The amendment to claim 1 should clarify and distinguish from Chapman, because the action does not identify any element in the cited reference that discloses independent electrical paths, each extending from one end to the other.

With respect to claim 4, the rejection further appears in error because neither of the elements cited as a switch has all the claimed characteristics of applicant's claimed switch. The action cites both element 382 of figure 21, and element of 410 of figure 40. These are different elements, and there is no evidence that either cited switch is operable within a range of conditions to transmit to the controller an electrical state corresponding to the condition. It appears that element 382 (connected to variable resistor 414) has a range of conditions, and that element 410 is connected to the controller. However element 382 does not appear to be connected to the controller, and element 410 does not appear to have a range of conditions. Therefore, there is no element in the cited reference corresponding to the claimed element, and claim 4 should be allowable for this additional reason.

With respect to claim 6, the action cites one figure, and two lengthy paragraphs, but does not identify any element by number that corresponds to any one of: the claimed contact elements, the claimed electrical components, the claimed common contact, the claimed switch actuator, nor the claimed feature of sequentially contacting in response to movement. Applicant finds no evidence that the cited reference discloses this set of elements and features.

All pending claims should be allowable for the above reasons. Reconsideration of the application is respectfully requested.

Respectfully submitted,
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